IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
CIVIL APPLICATION NO.843 OF 2005
IN
FIRST APPEAL NO.372 OF 2005

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

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CORAM: A.S.OKA, J.
DATED: APRIL 20, 2006.

P.C.:

1. Rule. Shri Patki waives services for Respondent Nos.1 to 7. Service on Respondent No.8 is dispensed with. It is not in dispute that the entire amount due and payable under the impugned Judgment and Award has been deposited by the Applicant with the Tribunal. Considering the facts and circumstances of the case, the Respondent Nos.1 to 7 who are the original claimants will have to be permitted to withdraw 50% of the amount subject to furnishing security to the satisfaction of the Tribunal.

2. Hence, Civil Application is disposed of by passing the following order :

i) There will be interim relief in terms of prayer clause (a).

ii) The original claimants will be permitted to withdraw 50% of the amount deposited by the applicant on furnishing security to the satisfaction of the tribunal. The learned Member of the tribunal will hear the Applicant before accepting security. A sum of Rs.25,000/- deposited by the Applicant in compliance with Section 173 of Motor Vehicles Act,1988 will be transferred by this court to the tribunal.

iii) The balance amount deposited by the Applicant will be invested by the learned Member of the Tribunal in fixed deposit in any nationalised bank initially for a period of three years and thereafter the fixed deposit will be renewed from year to year till the disposal of the Appeal.

Judge.